

REMARKS

This reply is in response to the Office Action dated December 20, 2005. Claim 21 has been amended to correct the dependency of the claim. No new matter has been added by this amendment. Claims 3, 10 and 17 were previously canceled. Therefore, claims 1-2, 4-9, 11-16 and 18-22 are again presented for the Examiner's consideration in view of the following remark. A request for a one-month extension of time is respectfully submitted herewith.

Claim 21 was objected to because it depended from canceled claim 17. Claim 21 has been amended to correctly depend from claim 15. Therefore, applicants request that the objection be withdrawn.

Claims 1-2, 6, 8-9, 13, 15-16, 20 and 22 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,577,998 ("Yamamoto") in view of U.S. Patent No. 6,538,666 ("Ozawa") and in view of U.S. Patent No. 6,785,649 ("Hoory"). Applicants respectfully traverse the rejection.

Applicants submit that a *prima facie* case of obviousness with regard to independent claims 1, 8, 15 and 22 has not been met and the rejection should be withdrawn for at least the following reasons: (1) the cited references, either alone or in combination, do not teach or suggest every element of the claimed invention; (2) there is no motivation to modify the systems of Yamamoto and Izawa or to combine them with the teachings of Hoory to arrive at the claimed invention; and (3) there is no reasonable expectation of success.

As to the first reason, the Office Action acknowledges that Yamamoto and Izawa do not teach or suggest each and every limitation of the independent claims. "Neither Yamamoto nor Ozawa teaches the reference voice data being data other than data included in the voice from the player." (Office Action, numbered section 5, pg. 5.) In order to overcome this

deficiency, the Office Action relies on *Hoory*. However, this reliance is misplaced.

The Office Action asserts that *Hoory* "teaches a method for visualizing the meaning and prosody of a user's utterance where the volume is categorized in to different ranges hence there must inherently be reference data (e.g. thresholds) stored previously to determine which category the volume belongs into (col. 6, lines 15-23 and 50-58)." (*Id.*)

What the two cited portions of *Hoory* actually state is:

In a volume analysis step 36, a volume level of each word is determined. Preferably, the volume of a specific word is calculated by determining an energy of the word. Most preferably, the energy is determined by finding an average of values of energy peaks in the word. Alternatively, the volume of a specific word is determined by another process known in the art, such as finding a maximum energy produced within the word, or an average of an energy envelope of the word. (Col. 6, ll. 15-23.)

...

Preferably, for quantized mapping, once the rate for the specific word has been determined, the rate is assigned an integral value i between 1 and 5, herein written *rate(i)*, where *rate(1)* indicates a slowest rate range and *rate(5)* indicates a highest rate range. Similarly, once the volume for the specific word has been determined, the volume is assigned an integral value j between 1 and 5, herein written *volume(j)* where *volume(1)* indicates a lowest volume range and *volume(5)* indicates a highest volume range. Further similarly, once the pitch for the specific word has been determined, the pitch is assigned an integral value k between 1 and 3, herein written *pitch(k)* where *pitch(1)* indicates a lowest pitch range and *pitch(3)* indicates a highest pitch range. (Col. 6, ll. 50-58.)

This, however, is not what is claimed. Independent claim 1 requires "the reference voice data being data other than

data included in the voice from the player." Independent claims 8, 15 and 22 contain similar limitations. The volume levels of *Hoory* appear to be completely unrelated to previously prepared or stored voice information, having no relation to reference voice data as claimed.

There is simply no teaching or suggestion in the cited portion of *Hoory* of the aforementioned elements admitted to be missing from *Yamamoto* and *Ozawa*, including the reference voice data. Thus, *Hoory* fails to overcome the deficiencies of *Yamamoto* and *Ozawa*.

As to the second reason, there is simply no motivation to modify either *Yamamoto* or *Izawa* or to combine them with the teachings of *Hoory* to arrive at the claimed invention. According to the Office Action, "[i]t would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of *Yamamoto* and *Izawa* so the reference voice data being data other than data included in the voice from the player as taught by *Hoory* because it would allow the animations to correspond directly to [] set volume levels hence avoiding the difference calculation." (Office Action, numbered section 5, pg. 5.)

As stated above, the set volume levels of *Hoory* are not the claimed reference voice data. Thus, the motivation of the direct correspondence to set volume levels hypothesized by the Office Action does not provide an explicit or implicit motivation to modify, reengineer or combine *Yamamoto* and *Izawa* in view of *Hoory* in order to arrive at the inventions of the currently pending independent claims. In addition, nothing in the Office Action ties any purported motivation to the features of *Yamamoto* and *Izawa* that must be modified in order to meet the claim limitations.

Furthermore, even if one could combine the teachings of *Hoory* with those of *Yamamoto* and *Ozawa*, which applicants do

not believe is the case, it would still not result in the claimed invention as explained above.

As to the third reason, because the cited portions of *Yamamoto*, *Izawa*, and *Hoory* do not disclose the aforementioned limitations, and because the references do not address the problems solved by the claimed invention, there is no reasonable expectation of success that combining the references would result in the claimed invention.

Thus, for at least the aforementioned reasons, applicants respectfully submit that independent claims 1, 8, 15 and 22 are in condition for allowance.

Dependent claims 2, 6, 8-9, 13, 16 and 20 depend from independent claims 1, 8, and 15, respectively, and contain all the limitations thereof as well as other limitations which are neither disclosed nor suggested by the art of record. Accordingly, applicants submit that the subject dependent claims are likewise patentable.

Claims 4, 11 and 18 were rejected under 35 U.S.C. § 103(a) as being obvious over *Yamamoto* in view of *Ozawa*, *Hoory* and U.S. Patent No. 6,748,361 ("Comerford"). Claims 5, 7, 12, 14, 19 and 21 were rejected under 35 U.S.C. § 103(a) as being obvious over *Yamamoto* in view of *Ozawa*, and *Hoory* and U.S. Patent No. 6,766,299 ("Bellomo"). Claims 4-5, 7, 11-12, 14, 18-19 and 21 depend from independent claims 1, 8, and 15, respectively, and contain all the limitations thereof as well as other limitations which are neither disclosed nor suggested by the art of record. Accordingly, for at least the reasons stated above, applicants submit that these dependent claims are likewise patentable.

As it is believed that all of the rejections set forth in the Office Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have. If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 11, 2006

Respectfully submitted,

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